

10-13-15
HB 4170 (Franz)



CONGRESS OF THE UNITED STATES

March 29, 2010

TOM LATHAM
Congressman
4th District, Iowa

The Honorable Daryl Beall The Honorable James Seymour
Chairman Ranking Member
Senate Veterans Affairs Committee Senate Veterans Affairs Committee

The Honorable Ray Zirkelbach The Honorable Royd Chambers
Chairman Ranking Member
House Veterans Affairs Committee House Veterans Affairs Committee

Dear Members of the Iowa General Assembly:

I am writing to you at the request of my constituents Frank Reeves of Zearing, IA, and Jerry Bohr of Decorah, IA, who are concerned with an issue with regard to compensation provided by the U.S. Department of Veterans Affairs (VA) to veterans with service-connected disabilities.

Federal law prohibits attaching, diverting or garnishing a veteran's service-connected disability payments. While the VA is generally prohibited from complying with state garnishment orders, in some cases state courts have nevertheless included disability compensation in the calculation of property disposition and support obligations under dissolution of marriage and child support determinations. Extreme hardship in complying with court-ordered payments has been reported for disabled veterans with little, if any, alternate source of income.

According to Mr. Bohr, the states of California and Indiana have passed laws prohibiting the use of VA disability compensation in such determinations by state courts, consistent with federal prohibitions on attachment. It is also my understanding that such legislation has been introduced or passed by at least one chamber in Arizona, West Virginia, Wisconsin, and perhaps other states. As you know, similar legislation has also been introduced in both the Iowa House (H.F. 2299) and Senate (S.F. 2144) and is currently under consideration by the relevant committees.

My constituents have asked me to pass along their hope that you investigate this matter to determine the appropriate response by the Iowa General Assembly. I have enclosed letters I received from Mr. Bohr and Mr. Reeves describing the difficulties they have experienced.

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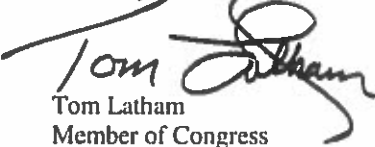
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Sincerely,


Tom Latham
Member of Congress